

MINUTES
GREEN BAY HOUSING AUTHORITY
Thursday, October 23, 10:30 a.m.
1424 Admiral Court, Second Floor Reading Room
Green Bay, WI 54303

MEMBERS: William VandeCastle - Chair, Brenda Goodlet, Brad Hansen, and Chiquitta Cotton

MEMBERS EXCUSED: S. Popp – Vice Chair

OTHERS PRESENT: Robyn Hallet, Stephanie Schmutzer, and Sadie DiNatale

APPROVAL OF MINUTES:

1. Approval of the September 25, 2014 minutes of the Green Bay Housing Authority.

A motion was made by B. Goodlet and seconded by C. Cotton to approve meeting minutes of September 25, 2014, as presented. Motion carried.

COMMUNICATIONS:

W. VandeCastle communicated a situation regarding a current appeal pending in the Wisconsin Supreme Court. He explained that this pending appeal involves the Housing Authority of the City of Milwaukee (HACM) and relates to the process of evicting tenants who have violated policy. While at the local level circuit court, HACM first won the case that permitted their eviction of one of their tenants; however, the tenant appealed to the Court of Appeals where HACM lost. HACM then appealed to the Wisconsin Supreme court where the appeal was accepted.

As a result of this HACM asked the Wisconsin Association of Housing Authorities (WAHA) if they would be interested in filing a "Friend of the Court" Brief for a statewide issue of the process for evicting tenants. As a WAHA board member, R. Hallet contacted W. VandeCastle to ask if he would represent WAHA in this action. W. VandeCastle is concerned that as a GBHA Commissioner, he would still be seen as a representative of the City of Green Bay and the GBHA (as the GBHA is a member of WAHA).

It was suggested to W. VandeCastle that the GBHA acknowledge and allow him to represent WAHA as well as receive an opinion letter from the City attorney's office. The problem is however, that time is running scarce as the deadline for filing this is the end of November (around November 24, 2014). W. VandeCastle stated that he would pursue contacting the City Attorney's office to gauge how they feel about this.

R. Hallet agreed that time is of the essence as action will not be able to be taken today as this item was not placed on the agenda. It would be possible to add this item to the agenda of the next meeting (November 20, 2014) however, this would still only allow four days to prepare and create a file. Another suggestion was to move the next meeting up if necessary. Before a decision is made to move the meeting up or add this item to the next agenda, W. VandeCastle will speak to the Law Department. He will keep the Authority posted.

OLD BUSINESS:

None

NEW BUSINESS:

2. Discussion and approval of changes to Chapter 2-6, 8-10, 12,13, and 16 of Admissions and Continued Occupancy Plan and Temporary Addendum Document, Introduction and Glossary.

R. Hallet explained that N. Aderholdt had previously emailed the Authority the proposed recommendations to update the Admissions and Continued Occupancy Plan (ACOP). R. Hallet reviewed each change beginning with the newly added items. The Glossary, which defines and provides details to acronyms, and Public Housing terms was first reviewed. This was followed by a review of the Temporary Addendum Document which is provisionally being implemented to acknowledge and address budget and staff constraints at the Federal level that the GBHA may be or

will potentially face. The document proposed three optional methods to reduce administrative burden in which the GBHA has previously chosen option one. Option one has been outlined in the Addendum Document. The Introduction was briefly reviewed as a document that identifies resources and where to find them.

R. Hallet reviewed changes and corrections made to certain chapters of the plan. Chapter 2: *Fair Housing and Equal Opportunity*, had changes made under Oral Interpretation which removed the policy stating the GBHA will hire and train bilingual staff to act as interpreters and translators and replaced it with "the GBHA will utilize a language line for telephone interpreter services."

Chapter 3: *Eligibility* amendments involved incorporating the term "sexual assault" in compliance with the updated Violence Against Women Act (VAWA) from 2005 to 2013. There are several instances where this term is incorporated in this chapter as well as in Chapter 5, 8, and 12. Additionally, on page 3-22, there has been an expanded notification requirement to include obligations for the GBHA to provide denied applicants with a notice of rights and HUD form 50066 at the time of denial.

Chapter 4: *Applications, Waiting Lists, and Tenant Selection* involves a slight redefinition of the income limit under Income Targeting Requirement (page 4-9). The Authority was notified of this needed change by a Federal Register Notice, dated June 24, 2014. Previously income was defined as 30 percent of the area median income whereas now the definition will state that "extremely low-income families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever is higher". Further, under De-Concentration of Poverty and Income-Mixing, the GBHA policy was adjusted from stating that de-concentration and income-mixing "does not apply" to "The GBHA will comply with any and all requirements to de-concentrate and provide for income-mixing".

In Chapter 6: *Income and Rent Determinations* changes were made under Types of Assets, Checking and Savings Accounts (page 6-14). Previously this section stated that the Authority would ask for three months of information on potential tenant checking accounts to determine an average. This has proved to be too cumbersome and thus the change mandates receiving just the current month or most recent balance.

Chapter 6 additionally made a change to state the unique types of tenant revenue that would be excluded from their annual income. These exceptions are according to a Federal Register Notice dated May 20, 2014. Excluded cases are lump sums received pursuant to a specific Class Action Settlement Agreement for Native Americans, payments received for children of Vietnam veterans born with birth defects, any amounts of an asset under Independent Act of 2002, any payments made from proceeds of certain Indian tribal trust cases, and payments received under Disaster Relief and Emergency Assistance Act. Further, changes were made to this chapter including the removal of the declaration that there is no utility allowance or reimbursement with flat rents (page 6-34). Modification to the Phasing in of Flat Rents policy was additionally conducted. An update of the policy stating that the GBHA will conduct flat rent impact analysis to determine necessary increases and how phase-ins will apply was also modified.

Changes to Chapter 7: *Verification*, on pages 7-11, involved clarification of the GBHA policy to state that the GBHA will request a current benefit letter from each member claiming a disability who receives Social Security Disability Benefits. In addition, a modification will be made to the GBHA policy to state that the GBHA will accept a self-certification from members claiming a disability who do not receive Social Security Disability Benefits; previously individuals needed to obtain a certification from a (medical) professional.

Changes to Chapter 9: *Re-Examinations* solely included some minor grammatical corrections.

Chapter 10: *Pet Policy* included the incorporation of the term "Service Animals" in addition to Assistance Animals. Service Animals was defined and the policy now states the difference between service and assistance animals. The definition of assistance animals was then removed as it is covered in the service animal's definition. Additionally, clarification on approving and denying requests was added on page 10-2.

Chapter 12: *Transfer Policy*, on page 12-6, included elucidation that the GBHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation to that disability.

In Chapter 13: *Lease Terminations*, changes included the addition of the definition for affiliated individuals, the removal of the definition of immediate family members, and the incorporation of the definition for sexual assault. Further, under Other Good Cause of Termination, a statement was added that affirms that a public housing applicant found living unauthorized in GBHA public housing will be denied from living in GBHA housing in the future. There was however, a section under Terminations that addresses the protection against termination of tenants that the Violence Against Women Act provides for residents who are victims of domestic violence, dating violence, sexual assault, and stalking. The limits of the protections of the Violence Against Women Act were also clarified.

Changes to Chapter 16: *Program Administration* includes clarification of the application of flat rents, per HUD's Public and Indian Housing Notice 2014-12. Changes incorporated included definitions of key terms, incorporation of notifications and requirements, clarification of requirements for HUD in regards to the Violence Against Women Act, and clarification that all information provided must be kept confidential.

R. Hallet requested approval to make these changes official.

B. Hansen asked how often this plan is updated. R. Hallet stated that it is updated as needed but generally annually unless a certain policy or statement requires immediate attention due to a change in federal regulations or due to a local issue that needs alleviation through policy change.

In regards to the request to change the average balance in a checking account to be based on one month average instead of three months average, B. Hansen asked how often income is reviewed. R. Hallet stated that a review is completed when a tenant first moves into the unit and annually thereafter. Tenant assets however are generally small enough where they do not impact their overall income.

B. Hansen asked whether an individual could become authorized to live with a tenant in GBHA public housing while the individual is on a waiting list for a unit of their own. R. Hallet replied that indeed they could become authorized; the family in the unit must request to add this person before he or she actually moves in. If the family does not get the individual authorized, the family would be terminated and the unauthorized individual would be denied admission to receive a housing unit in the future. S. Schmutzer added that the family has who has signed the lease and the individual on the current waiting list who signed the application, are both aware that all household members must be reported. Thus, both parties are aware of this policy and the repercussions for breaking policy.

A motion was made by C. Cotton to approve the changes to the plan as discussed, seconded by W. VandeCastle. Motion carried.

3. Approval to accept land deeded from the Redevelopment Authority to increase the parcel at 509 S. Maple.

R. Hallet explained the unique situation in which 509 S. Maple Street, owned by the Authority, neighbors a condemned, vacant house at 501-507 S. Maple Street. The Redevelopment Authority (RDA) is currently looking to purchase this condemned property from PCM Credit Union. The RDA, upon acquisition, would pay to raze the property. Because of the property's proximity to the railroad and its location within a floodplain, it would not be conducive to develop the land again. Thus, the RDA would look into deeding the parcel over to the GBHA which would open up the opportunity to add this newly acquired piece of land to 509 S. Maple Street as extra yard space. As 509 S Maple Street is a four bedroom home, a larger family would be living in this home making the extra yard space an added amenity.

W. VandeCastle asked if there is a fence separating the two parcels. R. Hallet replied that there is a fence which would need to be relocated further north serving as a barrier to the railroad tracks. The cost to move the fence would be provided through GBHA funding. Other potential costs covered by

the Authority would be possible seeding for grass and other initial landscaping measures (trees, watering, etc.).

W. VandeCastle asked why the RDA would not keep the land. S. Schmutzer replied that the RDA does not generally retain property. R. Hallet also added that being in the flood zone, they would have difficulty selling or building on this parcel.

B. Hansen inquired if the Authority would consider the possibility of rehabilitating the existing building or developing that land for more potential housing units. R. Hallet stated that could be an option however she would need to talk with HUD regarding the speed of adding another public housing property to the GBHA's portfolio. In addition, theoretically the Authority could just own this property and serve as a standard landlord as opposed to it being public housing. Also, it was expressed that if the RDA, who has experience in acquiring and rehabilitating property, has determined this property is not a good candidate for rehabilitation, the GBHA should rely on their recommendation. R. Hallet opened up the thought of rebuilding on the land to all members for consideration.

S. Schmutzer mentioned the time crunch as the RDA needs to spend their funding before their deadline (end of November). R. Hallet mentioned that according to the RDA, the bank would require 60 days to try to sell the property. After that time the RDA would want to purchase this property shortly thereafter. R. Hallet explained that at the last RDA meeting, Cheryl Renier-Wigg estimated that the RDA would therefore plan on purchasing this property by the end of December. So, it appears they will not make this deadline regardless.

S. Schmutzer stated that this property was also considered a nuisance property while residents were living there. C. Cotton inquired about the neighborhood in regards to nuisances. She stated that because the Authority screens their residents, the Authority could hinder future nuisances if redevelopment on this land was chosen (as opposed to leaving it as yard).

W. VandeCastle asked about the possibility of allowing this parcel to be a public green space/open area. R. Hallet voiced concern about liability of the Authority if someone were to get injured on the green space. S. Schmutzer also inquired about who would maintain this area if it were a green/open space owned by the Authority. She went on to affirm that if the land was added to 509 S. Maple St the tenants would be responsible for mowing and maintaining the space.

R. Hallet commented that this item does not need immediate approval if members would like time to think on this further or gather additional information from the RDA.

B. Hansen stated that the first option, to add the land as extra yard space to 509 S Maple, is probably the best option. W. VandeCastle stated that he would like to see how much space could be left open as green space without fencing the entire area in (moving the property line to provide extra yard for 509 S Maple Street and public green space for the community). C. Cotton commented about making the land self-sustainable (using materials that are low-maintenance) as an option for keeping costs down if the area were kept open to the community as a public space. W. VandeCastle stated his concerns for the current tenants at 509 S. Maple Street if the Authority went in the direction of providing 509 S. Maple St with extra yard space. As the tenants currently did not sign on for maintaining this extra space, they might not be in favor for the extra responsibility.

R. Hallet stated she would look into these inquiries and concerns before next month's meeting.

W. VandeCastle made a motion to table the discussion until next month, seconded by B. Hansen. Motion carried.

INFORMATIONAL:

4. Report on State Debt Collection Program

S. Schmutzer reviewed the highpoints of a new State Debt Collection program. She had previously emailed information to the commissioners. The program is like TRIP but is a different module of the same type of collection program that the State is running. It's a program in which the State can go after and collect from residents who owe money to qualified entities. The benefit is that the State can levy and garnish wages, which other agencies may not be able to do. There is a fee of the

greater of \$35 or 15 percent, but which is charged to the debtor. This program requires the Authority to understand if tenant debt is collectible under a statute of limitation before it can be recorded into the program. Another benefit is that if the State determines that the debt is uncollectable, for example the debtor's only income is Social Security, they will notify us which will help us to know which debts we are unlikely to ever collect on.

S. Schmutzer explained that GBHA is still transitioning into using TRIP; it had collected debts under BCHA's TRIP accounts last year and is still in the process of setting up its own account. S. Schmutzer would to have that process complete and GBHA using TRIP seamlessly before enrolling in SDC Program. Hence this report on the new program is solely informational at this point.

S. Schmutzer mentioned that debts entered on the SDC Program must be over 90 days delinquent with no repayment agreements. The minimum debt should be at least \$100.

W. VandeCastle asked how the Authority would establish debt and if it was necessary to have a judgment out on tenants. S. Schmutzer replied that it would be done the same way it has been done using TRIP. W. VandeCastle stated his experience with TRIP has been with entities that have judgments against the debtors. S. Schmutzer stated that she would like to focus on getting GBHA running with TRIP and then explore this program further. W. VandeCastle agreed the Authority should definitely explore this new program once the Authority has TRIP up and running.

S. Schmutzer stated that the State has many ways that they can determine if a debtor has income to collect from, more than a regular collection agency would. She went on to state that the new program is still highly unused for Authorities on the whole. In fact only two housing authorities have actually starting using this program.

B. Hansen asked why the Authority would apply for Trip before the new program. S. Schmutzer stated that TRIP has a minimum requirement of \$20.00 whereas the new SCD program has a minimum requirement of \$50.00. Additionally, staff is familiar with TRIP, so it would be easier to input and extract information from TRIP first. Also with SDC we need to verify the statute of limitations first, so there a fewer steps.

W. VandeCastle stated that the statute of limitations for debt varies: if there's a contract, it's a six year limit, but if you get a judgment within that initial time period, then the statute of limitations is 20 years. S. Schmutzer pointed out another consideration then is if the cost to get the judgment will be worth the amount of debt owed. So, staff needs to look at how many debts we have of different dollar amounts.

R. Hallet asked if the new program is through the Department of Revenue, just as TRIP is, and if it uses the same online system. S. Schmutzer confirmed that it was the same.

W. VandeCastle stated that the State has access to a lot of information about people, including where they bank, where they work, etc, because it collects that information when taxes are filed. Therefore, the State has many resources to collect debts.

FINANCIAL REPORT AND BILLS:

S. Schmutzer stated there isn't anything too unusual with the financials or bills.

B. Hansen inquired about insurance costs, asking if this fee was only paid once a year. S. Schmutzer confirmed that it was an annual payment. She projected that insurance costs would slightly increase this year which it had.

B. Hansen commented that dividends seemed under anticipated in which S. Schmutzer stated that she generally remains conservative in figuring revenue.

B. Hansen inquired about marketing and other expenses that already surpassed 100 percent of their budget. S. Schmutzer stated that the marketing budget, currently at 138.29 percent of its budget, was due to a phone book scam that has been turned over to the legal department in attempt to recoup losses. In regards to electrical, currently at 166.39 percent of its budget, R. Hallet stated expenses were used to fix exterior lighting in the parking lot which had extensive work done to it.

C. Cotton made a motion to approve and place on file the financial report and bills, seconded by B. Hansen. Motion carried.

B. Hansen asked what the Authority did at 1010 Pine Street. R. Hallet stated a major rehab occurred at this property including adding new cabinets and flooring. S. Schmutzer stated that money came from Capital Funds.

B. Hansen made a motion to approve and place on file the financial report and bills, seconded by B. Goodlet. Motion carried.

STAFF REPORT:

5. Langan Investigations report for the month of September.

R. Hallet verbally reported the information provided on the written Langan Investigation's report.

A motion was made by C. Cotton to approve and place on file, seconded by B. Hansen. Motion carried.

6. Occupancy Report

R. Hallet reported the upcoming vacancies and occupancy rate.

A motion was made by B. Hansen to accept and place on file, seconded by C. Cotton. Motion carried.

7. Status of Housing Intern.

R. Hallet introduced the new Housing Intern, Sadie DiNatale. She has previous experience in working with Cheryl Renier-Wigg in the Neighborhood Division as well as in the Planning Department.

R. Hallet added to the agenda an additional piece of information to report regarding media attention that GBHA recently received. Attention was gained as GBHA became a smoke free facility. Overall, feedback has been positive since the policy change. Yet, some residents that were not in favor of the change coupled with the weather getting colder may cause more concerns of residents not adhering to the policy. R. Hallet affirmed that staff needs to personally witness violators in order to issue notices. Complaints of violations have been especially common after hours.

A motion was made by B. Goodlet, seconded by B. Hansen to adjourn at 11:48 a.m.. Motion carried.

sd:rh:jd